



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231 NM

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/644,072	05/09/96	MONTEIRO	A 8850-003-999

PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

B3M1/0718

EXAMINER
FEESU, I

ART UNIT 2414 PAPER NUMBER 4

DATE MAILED:

07/18/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-37 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11, 13, 14, 16-22, 24, 25, 26-36 is/are rejected.
- ☒ Claim(s) 12, 15, 23, 37 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 16-22, 26-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,604,542 to Dedrick.

As per claims 1, 16, 26 and 27, Dedrick discloses converting a plurality of streams of audio and/or visual information into a plurality of streams of digital packets (col. 2, lines 38-40), routing the stream to one or more users (col. 3, lines 16-18), controlling the routing of the packets in response to selection signals from the users (col. 3, lines 58-60) and monitoring the reception of packets by the users and accumulating records (col. 4, lines 45-48).

As per claims 2, 8, 17, 20, 28 and 32, Dedrick discloses at least some advertising in at least one stream of packets (col. 2, lines 12-14).

As per claims 3, 9, 18, 29 and 33, Dedrick discloses varying the content of the advertising information with the identity of

the user to whom the advertising information is provided (col. 3, line 65 to col. 4, line 3).

As per claims 4 and 7, Dedrick discloses the information being inserted the stream before the stream is converted into a stream of packets (col. 2, lines 12-14).

As per claims 5 and 30, Dedrick discloses generating an audio output and/or a visual display from the stream of packets (col. 3, lines 33-37).

As per claims 6, 19 and 31, Dedrick discloses storing a first stream at a first time and inserting the first stream in a second stream received by the user (col. 3, line 67 to col. 4, line 3).

As per claims 10, 11, 21 and 22, Dedrick discloses the records indicate how many users received specific advertising information (col. 4, lines 45-47), this information being music selections (col. 2, 18-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 13, 14, 24, 25, 34, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick.

As per claims 13, 14, 24, 25, 34, 35 and 36, Dedrick does not disclose the limitations of these claims. It is known to compress information at the source and decompress it at the destination, selecting the compression algorithm in accordance with the content of the information. It would have been obvious to a person having an ordinary level of skill in the art at the time the invention was made to have modified the system disclosed by Dedrick to include these features since they allow for efficient transmission of data at a faster rate using less memory storage space and selection of the compression algorithm ensures a reliable reception with little loss of quality and minimum degradation.

Allowable Subject Matter

5. Claims 12, 15, 23, and 37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

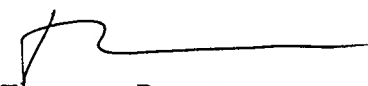
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,493,514 to Keith et al. discloses Process, Apparatus and System for Encoding and Decoding Video Signals.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Thomas Peeso whose telephone number is (703) 305-9784. The examiner can normally be reached on Monday -Thursday from 7am to 5pm. The examiner can also be reached on alternate Fridays.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Emanuel Voeltz, can be reached on (703) 305-9714. The fax phone number for this Group is (703) 305-95[64,65].

9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Thomas Peeso
Patent Examiner
Art Unit 2414
15 Jul 97